

North West Community Council
September 9, 2013

TO: Chair and Members of North West Community Council

SUBMITTED BY: Original Signed
Brad Anguish, Director, Community and Recreation Services

DATE: August 14, 2013

SUBJECT: **Case 17760 - Development Agreement - 644 Bedford Highway,
Halifax**

ORIGIN

Application by W.M. Fares Group

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter, Part VIII, Planning & Development

RECOMMENDATION

It is recommended that North West Community Council:

1. Give Notice of Motion to consider approval of the proposed development agreement, as contained in Attachment A, to allow for a multi-unit residential development at 644 Bedford Highway and to schedule a public hearing;
2. Approve the proposed development agreement, as contained in Attachment A, to develop a 52 unit residential building at 644 Bedford Highway; and
3. Require the agreement be signed by the property owner within 120 days, or any extension thereof granted by Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.

BACKGROUND

An application has been submitted by W.M. Fares Group, on behalf of the property owner, 1054555 Nova Scotia Limited, to enable the development of a 7-storey multi-unit residential building at 644 Bedford Highway, Halifax (Maps 1 and 2). The subject property is currently vacant and is located in Schedule R of the Land Use By-law for Halifax Mainland which provides for consideration of commercial and residential developments over 10.67 metres (35 feet) in height through the development agreement process.

Location, Subject Property and Surrounding Area

The subject property;

- is located north of the intersection of the Bedford Highway and Larry Uteck Drive as shown on Maps 1 and 2;
- is approximately 5,830.69 square metres (62,761 square feet) in area and has approximately 31.33 metres (102.80 feet) of street frontage; and
- slopes significantly upward from the Bedford Highway.

The surrounding area includes a mix of commercial and residential uses. The Blue Nose Inn abuts the property to the south and The Terrace, a 4 and 5 storey mixed commercial and residential development, is located across the street. Other surrounding residential uses include single unit dwellings located to the north east of the site, and multiple unit dwellings with heights ranging between 4 to 6 storeys to the west and south of the subject property.

Designation and Zoning

The subject property;

- is designated Medium Density Highway Commercial in the Bedford Highway Secondary Plan of the Halifax Municipal Planning Strategy (Map 1);
- is zoned C-2B (Highway Commercial Zone) in the Halifax Mainland Land Use By-law (Map 2); and
- is located within Schedule R (Map 3).

Enabling Policy and Zoning Context

The C-2B Zone permits a mix of commercial and residential uses. As the property is located within Schedule R, it is subject to a height of 10.67 metres (35 feet). Policy 1.8 of the Secondary Plan allows for the consideration of developments over 10.67 metres (35 feet) through the development agreement process (see Attachment B).

Schedule R was approved by Regional Council in 2011 as part of a larger planning study for the Bedford Basin and amendments for the Bedford Highway Secondary Plan. Schedule R was applied to two areas of the Bedford Highway Secondary Plan; the lands surrounding the intersections along Bedford Highway and Larry Uteck Boulevard, and the lands at the north end of the Halifax Plan Area (see Map 3).

Proposal

The application is for a 7 storey multi-unit residential development at 644 Bedford Highway, Halifax. The proposal includes:

- a 52 unit residential building incorporating both indoor and outdoor amenity space;
- a building that is terraced along the grade and designed to incorporate three 5-7 storey sections;
- a combination of underground and surface parking; and
- vehicular access to the building from Bedford Highway.

DISCUSSION

Staff has reviewed the proposal relative to all relevant policies and determined that the proposed development is consistent with the MPS. Attachment B provides an evaluation of the proposed development agreement in relation to the relevant MPS policies.

Attachment A contains the proposed development agreement for the subject property and the conditions under which the applicant must comply. The proposed agreement addresses the following matters:

- architectural design, signage, lighting and maximum building height requirements;
- parking (bicycle and vehicular), circulation and access;
- landscaping throughout the site; especially surrounding property lines;
- the accommodation for the future development of Active Transportation Linkages, such as a sidewalk and multi-use trail; and
- options for various non-substantive amendments by resolution of Council, including minor changes to the placement and architectural design of the building and changes to the timeframes for development.

In staff's opinion, the attached development agreement will permit a multi-unit residential development that is compatible and appropriate with the neighbourhood. Of the matters addressed by the proposed development agreement, the following have been identified for more detailed discussion.

Design of the building and Relationship to Surrounding Uses

The proposed building is terraced into three sections to reflect the grade of the property. Although the overall height of the building is 7 storeys due to the grading on the site, the residential floors vary from 5-7 storeys, which is in keeping with heights of neighbouring multiple unit buildings. Further, the terraced design of the building provides the opportunity to use portions of the roof as landscaped open space. The proposed development agreement requires a mix of building materials to further break up the mass of the building.

The proposed development agreement requires landscaping to be provided throughout the property with an emphasis of landscaping along property lines to protect residential amenities; particularly the low density residential uses located to the north of the subject property.

Active Transportation Linkages

Policy 1.8.1(m) requires that proposed developments to be considered through Schedule R provide active transportation linkages where needed (see Attachment B). During the public information meeting it was noted that there is an informal walking path located on the property. Although at this point there is little interest in HRM taking over the trail, the proposed development agreement includes a provision that would restrict development along the trail. This will enable the opportunity for HRM to place an easement over the trail, and the ability to develop a more formal trail if desired in the future.

Further to this, through staff's review of the application it was noted that a sidewalk may be warranted where the property abuts Bedford Highway. As such, the applicant has agreed to provide the required grading where the property fronts Bedford Highway to facilitate the development of a sidewalk in the future. The proposed development agreement will also require that a hard surface walkway be provided along the driveway to provide pedestrian connectivity to the proposed building and Bedford Highway.

Traffic Concerns

During the public information meeting, concerns were expressed regarding the safety of cyclists along Bedford Highway due to the increase of vehicular traffic accessing the property. A Traffic Impact Statement (TIS) was provided for this application which indicated the proposed development would generate a small increase in the number of trips along the Bedford Highway and would not have a significant impact on Bedford Highway. The TIS was reviewed by HRM staff who agreed with its conclusion. The TIS recommends that the bushes on the west side of the Bedford Highway need to be trimmed to improve visibility of the project's driveway access. The proposed development agreement requires the developer to trim the bushes in this area. Additionally, the development agreement requires the portion of the property along Bedford Highway be graded to accommodate a future sidewalk. Together, these improvements will enhance pedestrian, cyclist and vehicular movements in this area.

Conclusion

In the opinion of staff, the proposed development agreement is in keeping with the objectives and policies of the Halifax MPS. Therefore, staff recommends approval of the proposed development agreement as outlined in Attachment A.

FINANCIAL IMPLICATIONS

There are no financial implications. The Developer will be responsible for all costs, expenses, liabilities and obligations imposed under or incurred in order to satisfy the terms of this Amending Agreement. The administration of the Amending Agreement can be carried out within the approved 2013/14 budget with existing resources.

COMMUNITY ENGAGEMENT

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was consultation, achieved through a public information meeting held on June 6, 2012. Attachment C contains a copy of the minutes

from the meeting. Notices of the Public Information Meeting were posted on the HRM website, in the newspaper and mailed to property owners within the notification area shown on Map 2.

A public hearing must be held by Community Council before they can consider approval of a development agreement. Should Community Council decide to proceed with a public hearing on this application, in addition to the published newspaper advertisements, property owners within the notification area shown on Map 2 will be advised of the public hearing by regular mail. The HRM website will also be updated to indicate notice of the public hearing.

The proposed development agreement will potentially impact the following stakeholders: local residents and property owners, community or neighbourhood organizations, and business and professional associations.

ENVIRONMENTAL IMPLICATIONS

No additional concerns have been identified beyond those raised in this report.

ALTERNATIVES

1. Council may choose to approve the proposed development agreement as set out in Attachment A of this report. This is the recommended course of action. A decision of Council to approve the proposed development agreement is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.
2. Council may choose to approve the proposed development agreement subject to modifications. This may necessitate further negotiation with the applicant and the need to hold a second public hearing.
3. Council may choose to refuse the proposed development agreement, and in doing so, must provide reasons based on a conflict with MPS policies. This alternative is not recommended, as the proposal is consistent with the MPS. A decision of Council to refuse the proposed development agreement is appealable to the N.S. Utility & Review Board as per Section 262 of the *HRM Charter*.

ATTACHMENTS

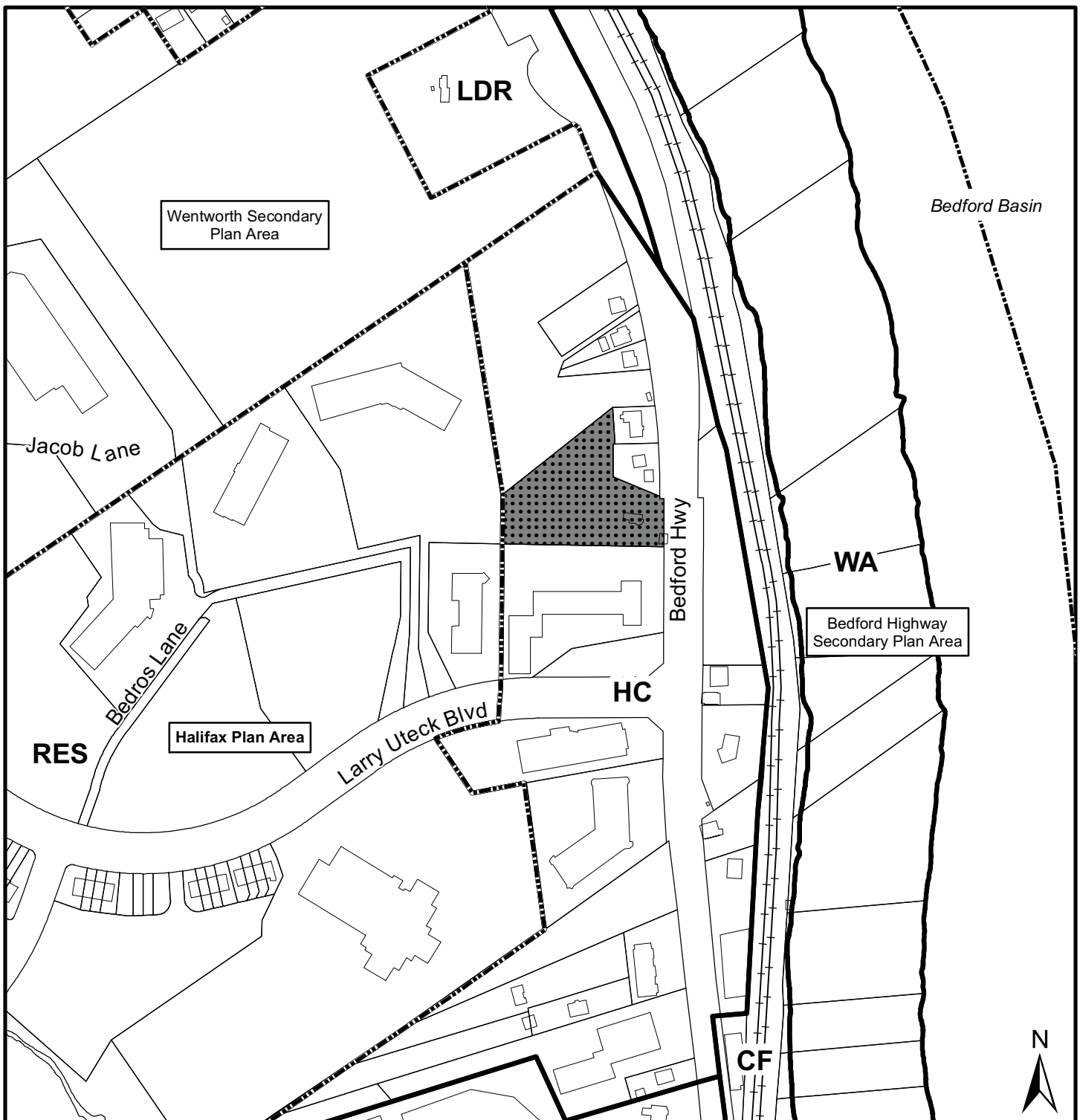
Map 1	Generalized Future Land Use and Notification Map
Map 2	Zoning Map and Notifications
Map 3	Properties within Schedule R
Attachment A	Proposed Development Agreement
Attachment B	Review of Relevant Policies of the Halifax MPS
Attachment C	Minutes of Public Information Meeting

A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/cc.html> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Jillian MacLellan, Planner 1, Development Approvals, 490-4423


Original Signed

Report Approved by: Kelly Denty, Manager of Development Approvals, 490-4800



Map 1 - Generalized Future Land Use

644 Bedford Highway
Halifax

 Area of proposed development agreement

Halifax Plan Area
Bedford Highway Secondary Plan Area

Designation - Halifax

RES Residential Environments
WA Water Access

Designation - Bedford Highway

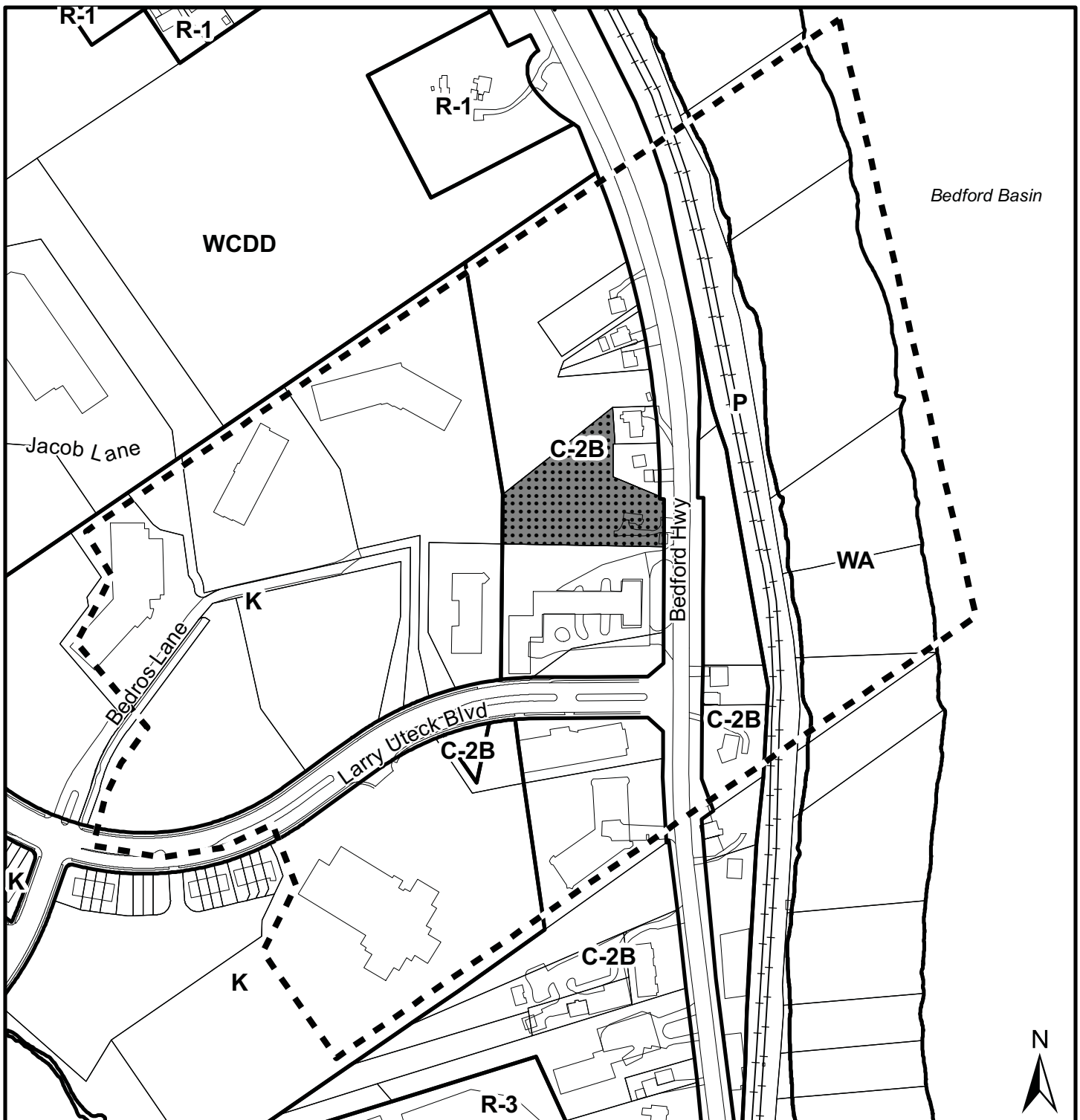
LDR Low Density Residential
HDR High Density Residential
HC Highway Commercial
CF Community Facilities

HALIFAX
REGIONAL MUNICIPALITY
DEVELOPMENT APPROVALS

0 50 100 m


This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the plan area indicated.


HRM does not guarantee the accuracy of any representation on this plan.



Map 2 - Zoning and Notification

644 Bedford Highway
Halifax

 Area of proposed development agreement

 Area of notification

Halifax Mainland
Land Use By-Law Area

Zone

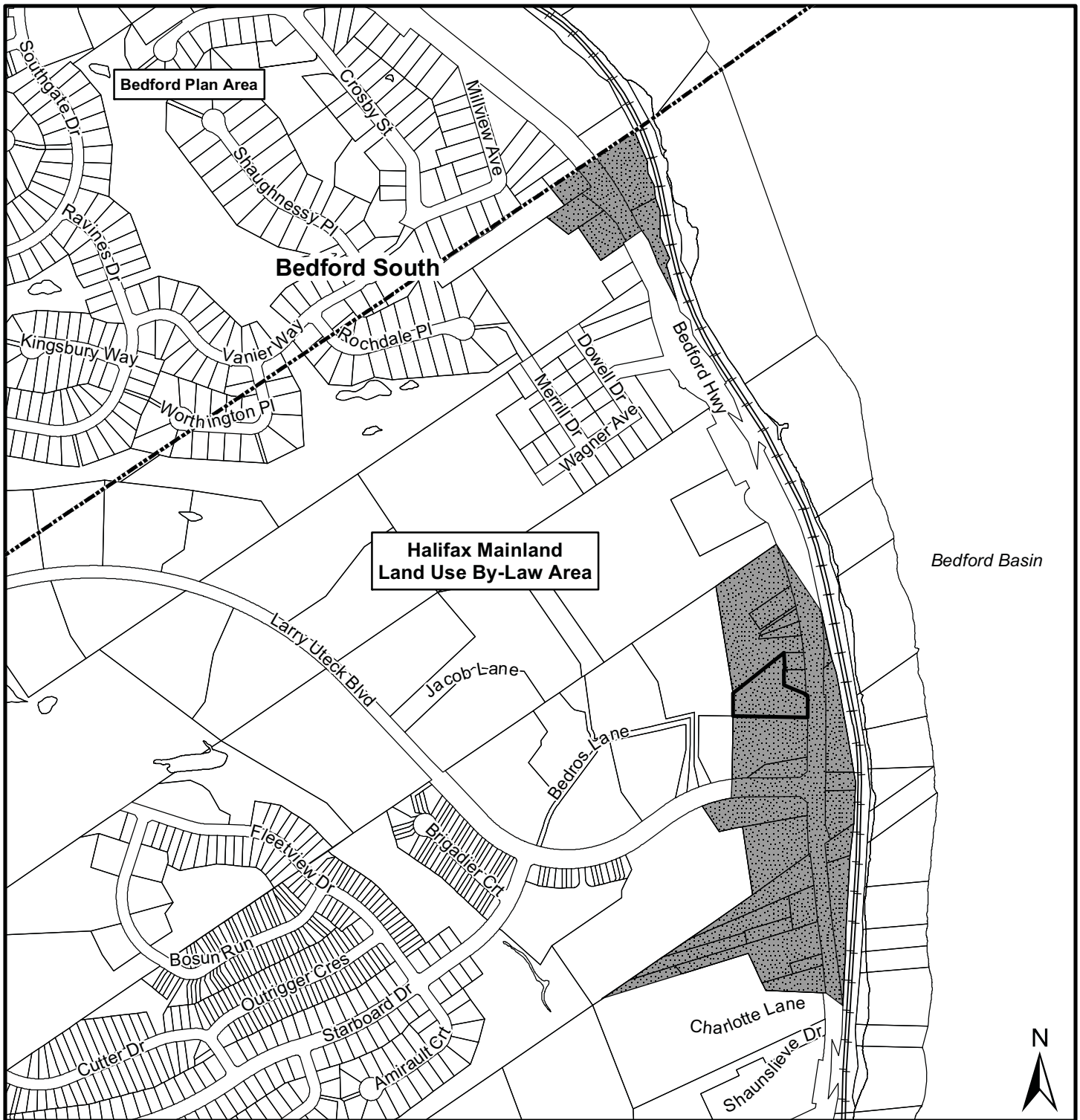
R-1 Single Family Dwelling
R-3 Low-Rise Apartment
C-2B Highway Commercial
WCDD Wentworth Comprehensive Dev. District
WA Water Access
K Schedule K

HALIFAX
REGIONAL MUNICIPALITY
DEVELOPMENT APPROVALS

0 50 100 m


This map is an unofficial reproduction of a portion of the Zoning Map for the plan area indicated.


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Map 3 - Schedule R

644 Bedford Highway
Halifax

 Area of proposed development agreement

 Schedule R

Halifax Mainland
Land Use By-Law Area

HALIFAX
REGIONAL MUNICIPALITY
DEVELOPMENT APPROVALS

0 50 100 150 200 m

This map is an unofficial reproduction of a portion of the Schedules and Secondary Plan Areas Map for the plan area indicated.

HRM does not guarantee the accuracy of any representation on this plan.

Attachment A
Proposed Development Agreement

THIS AGREEMENT made this day of **[Insert Month]**, 20__,

BETWEEN:

[Insert Name of Corporation/Business LTD.]
a body corporate, in the Province of Nova Scotia
(hereinafter called the "Developer")

OF THE FIRST PART

- and -

HALIFAX REGIONAL MUNICIPALITY
a municipal body corporate, in the Province of Nova Scotia
(hereinafter called the "Municipality")

OF THE SECOND PART

WHEREAS the Developer is the registered owner of certain lands located at 644 Bedford Highway, Halifax and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

AND WHEREAS the Developer has requested that the Municipality enter into a Development Agreement to allow for a multiple unit residential building on the Lands pursuant to the provisions of the *Halifax Regional Municipality Charter* and pursuant to Policy 1.8 of the Bedford Highway Secondary Plan of the Halifax Municipal Planning Strategy and Section 74 of the Halifax Mainland Land Use By-law;

AND WHEREAS the North West Community Council for the Municipality approved this request at a meeting held on **[Insert - Date]**, referenced as Municipal Case Number 17760;

THEREFORE, in consideration of the benefits accrued to each party from the covenants herein contained, the Parties agree as follows:

PART 1: GENERAL REQUIREMENTS AND ADMINISTRATION

1.1 Applicability of Agreement

The Developer agrees that the Lands shall be developed and used only in accordance with and subject to the terms and conditions of this Agreement.

1.2 Applicability of Land Use By-law and Subdivision By-law

Except as otherwise provided for herein, the development, use and subdivision of the Lands shall comply with the requirements of the Land Use By-law for Halifax Mainland and the Regional Subdivision By-law, as may be amended from time to time.

1.3 Applicability of Other By-laws, Statutes and Regulations

- 1.3.1 Further to Section 1.2, nothing in this Agreement shall exempt or be taken to exempt the Developer, lot owner or any other person from complying with the requirements of any by-law of the Municipality applicable to the Lands (other than the Land Use By-law to the extent varied by this Agreement), or any statute or regulation of the Provincial/Federal Government and the Developer or Lot Owner agree(s) to observe and comply with all such laws, by-laws and regulations, as may be amended from time to time, in connection with the development and use of the Lands.
- 1.3.2 The Developer shall be responsible for securing all applicable approvals associated with the on-site and off-site servicing systems required to accommodate the development, including but not limited to sanitary sewer system, water supply system, stormwater sewer and drainage system, and utilities. Such approvals shall be obtained in accordance with all applicable by-laws, standards, policies, and regulations of the Municipality and other approval agencies. All costs associated with the supply and installation of all servicing systems and utilities shall be the responsibility of the Developer. All design drawings and information shall be certified by a Professional Engineer or appropriate professional as required by this Agreement or other approval agencies.

1.4 Conflict

- 1.4.1 Where the provisions of this Agreement conflict with those of any by-law of the Municipality applicable to the Lands (other than the Land Use By-law to the extent varied by this Agreement) or any provincial or federal statute or regulation, the higher or more stringent requirements shall prevail.
- 1.4.2 Where the written text of this Agreement conflicts with information provided in the Schedules attached to this Agreement, the written text of this Agreement shall prevail.

1.5 Costs, Expenses, Liabilities and Obligations

The Developer shall be responsible for all costs, expenses, liabilities and obligations imposed under or incurred in order to satisfy the terms of this Agreement and all Federal, Provincial and Municipal laws, by-laws, regulations and codes applicable to the Lands.

1.6 Provisions Severable

The provisions of this Agreement are severable from one another and the invalidity or unenforceability of one provision shall not affect the validity or enforceability of any other provision.

PART 2: DEFINITIONS

2.1 Words Not Defined under this Agreement

All words unless otherwise specifically defined herein shall be as defined in the applicable Land Use By-law and Subdivision By-law, if not defined in these documents their customary meaning shall apply.

PART 3: USE OF LANDS, SUBDIVISION AND DEVELOPMENT PROVISIONS

3.1 Schedules

The Developer shall develop the Lands in a manner, which, in the opinion of the Development Officer, conforms with the following Schedules attached to this Agreement and filed in the Halifax Regional Municipality as Case Number 17760.

Schedule A	Legal Description of the Lands
Schedule B	Site Plan
Schedule C	Preliminary Landscape Plan
Schedule D	South Elevation
Schedule E	North Elevation
Schedule F	West and East Elevation

3.2 Requirements Prior to Approval

3.2.1 Prior to the commencement of any site work on the Lands, the Developer shall provide the following to the Development Officer:

- (a) A detailed Site Disturbance Plan prepared by a Professional Engineer in accordance with Section 5.1.1 (a) of this Agreement;
- (b) A detailed Erosion and Sedimentation Control Plan prepared by a Professional Engineer in accordance with Section 5.1.1 (b) of this Agreement; and
- (c) A detailed Site Grading and Stormwater Management Plan prepared by a Professional Engineer in accordance with Sections 4.4.1 and 5.1.1 (c) of this

Agreement.

- 3.2.2 Prior to the issuance of a Development Permit, the Developer shall provide the following to the Development Officer, unless otherwise permitted by the Development Officer as per the terms of this Agreement:
- (a) An outdoor lighting plan in accordance with Section 3.7 of this Agreement;
 - (b) A detailed Landscape Plan prepared by a Landscape Architect in accordance with Section 3.8 of this Agreement;
 - (c) A Site Servicing Plan prepared by a Professional Engineer and acceptable to the Development Engineer in accordance with Section 4.1 of this Agreement; and
 - (d) The Developer shall demonstrate that adequate visibility is provided from the site driveway in accordance with Section 4.1.2 of this Agreement.
- 3.2.3 At the time of the issuance of the Occupancy Permit, the Developer shall provide to the Development Officer a letter prepared by a member in good standing of the Canadian Society of Landscape Architects certifying that all landscaping has been completed according to Section 3.8 of this Agreement.
- 3.2.4 Notwithstanding any other provision of this Agreement, the Developer shall not occupy or use the Lands for any of the uses permitted by this Agreement until after a Development Permit has been issued by the Municipality. Upon the issuance of a Development Permit, the Developer shall comply with all applicable provisions of this Agreement and the Land Use By law (except to the extent that the provisions of the Land Use By law are varied by this Agreement) and with the terms and conditions of all permits, licenses, and approvals required to be obtained by the Developer pursuant to this Agreement.
- 3.2.5 At the time of the issuance of an Occupancy Permit, the Developer shall confirm to the Development Officer that the requirements of this Agreement have been met.

3.3 General Description of Land Use

- 3.3.1 The use of the Lands permitted by this Agreement is a fifty-two (52) unit, seven (7) storey residential building including indoor and outdoor amenity space and underground and surface parking.
- 3.3.2 An outdoor rooftop amenity space shall be provided and shall be a minimum of 112.41 square metres (1,210 square feet).
- 3.4.3 A minimum of 35 of the residential dwelling units shall consist of 2 or more bedrooms.

3.4 Siting and Architectural Requirements

- 3.4.1 The building shall be located as shown on Schedule B. Reductions to the setbacks provided on Schedule B may be permitted provided the variation does not exceed 0.6

metres (2 feet).

- 3.4.2 The building shall be developed as illustrated on the Schedules. The building shall be terraced into three sections. Each section shall be 5 storeys, exclusive of parking areas. The height for each section, as shown on the schedules, may be varied by 0.6 metres (2 feet).
- 3.4.3 The exterior building materials and colour of each component of the building shall be as shown on Schedules D through F, inclusive.
- 3.4.4 Balconies shall be provided for each unit and shall be constructed of metal or aluminium framing with insert glass.
- 3.4.5 The main entrance to the building shall be emphasized by detailing, changes in materials, and other architectural devices.
- 3.4.6 All vents, down spouts, flashing, electrical conduits, metres, service connections, and other functional elements shall be treated as integral parts of the design. Where appropriate these elements shall be painted to match the colour of the adjacent surface, except where used expressly as an accent.
- 3.4.7 Large blank or unadorned walls shall not be permitted. The scale of large walls shall be tempered by the introduction of artwork, such as murals, textural plantings and trellises, architectural detail or a combination of such elements.
- 3.4.8 Any exposed foundation in excess of 0.3 metre (1 foot) in height shall be architecturally detailed, veneered with stone or brick or treated in an equivalent manner acceptable to the Development Officer.
- 3.4.9 The building shall be designed such that the mechanical systems (HVAC, exhaust fans, etc.) are not visible from Bedford Highway or abutting properties. Furthermore, no mechanical equipment or exhaust fans shall be located between the building and the adjacent properties unless screened as an integral part of the building design and noise reduction measures are implemented. This shall exclude individual residential mechanical systems.
- 3.4.10 Roof mounted telecommunication equipment shall be integrated into the roof design of the building.

3.5 Parking, Circulation and Access

- 3.5.1 A minimum of seventy (70) vehicle parking spaces shall be required through a combination of underground and surface parking.

- 3.5.2 No more than twenty-five (25) parking spaces shall be exterior surface parking. The exterior surface parking area shall be sited as shown on Schedule B and shall maintain setbacks from the property lines.
- 3.5.3 Further to subsection 3.5.2 no more than eight (8) exterior parking spaces shall be permitted within the front yard of the Lands.
- 3.5.4 The exterior parking areas shall be hard surfaced.
- 3.5.5 The limits of the exterior parking areas shall be defined by fencing or landscaping or curb.
- 3.5.6 Parking spaces shall be 20 feet by 9 feet in size, except for the 12 spaces located at the rear of the Lands which shall be 17 feet by 9 feet in size.
- 3.5.7 A paved walkway shall run along the driveway as illustrated on the Schedule B.

3.6 Buffer Area / Multi Use Trail

- 3.6.1 No buildings or permanent structures shall be located within the buffer area as shown on Schedule B.
- 3.6.2 Notwithstanding subsection 3.6.1, the Developer may enter in an agreement with the Municipality to allow for this buffer area to be developed into a multiple use trail.

3.7 Outdoor Lighting

- 3.7.1 Lighting shall be directed to driveways, parking areas, loading area, building entrances and walkways and shall be arranged so as to divert the light away from streets, adjacent lots and buildings.
- 3.7.2 An outdoor lighting plan shall be provided as part of the development permit application. The Developer shall demonstrate that the outdoor lighting plan has been designed in accordance with Crime Prevention Through Environmental Design (CPETD) principles.

3.8 Landscaping

- 3.8.1 Prior to the issuance of a Development Permit, the Developer agrees to provide a Landscape Plan which complies with the provisions of this section and generally conforms with the overall intentions of the Preliminary Landscape Plan as shown on Schedule C. The Landscape Plan shall be prepared by a Landscape Architect (a full member, in good standing with Canadian Society of Landscape Architects) and comply with all provisions of this section. Changes to the landscape plan in order to accommodate a multiple use trail are permitted.

- 3.8.2 At the time of issuance of the Occupancy Permit, the Developer shall submit to the Development Officer a letter prepared by a member in good standing of the Canadian Society of Landscape Architects certifying that all landscaping has been completed according to the terms of this Agreement.
- 3.8.3 Notwithstanding Section 3.8.2, where the weather and time of year does not allow the completion of the outstanding landscape works at the time of issuance of the Occupancy Permit, the Developer may supply a security deposit in the amount of 110 percent of the estimated cost to complete the landscaping. The cost estimate is to be prepared by a member in good standing of the Canadian Society of Landscape Architects. The security shall be in favour of the Municipality and shall be in the form of a certified cheque or automatically renewing, irrevocable letter of credit issued by a chartered bank. The security shall be returned to the Developer only upon completion of the work as described herein and illustrated on the Schedules, and as approved by the Development Officer. Should the Developer not complete the landscaping within twelve months of issuance of the Occupancy Permit, the Municipality may use the deposit to complete the landscaping as set out in this section of the Agreement. The Developer shall be responsible for all costs in this regard exceeding the deposit. The security deposit or unused portion of the security deposit shall be returned to the Developer upon completion of the work and its certification.

3.9 Maintenance

- 3.9.1 The Developer shall maintain and keep in good repair all portions of the development on the Lands, including but not limited to, the exterior of the building, fencing, walkways, recreational amenities, parking areas and driveways, and the maintenance of all landscaping including the replacement of damaged or dead plant stock, trimming and litter control, garbage removal and snow and ice control, salting of walkways and driveways.
- 3.9.2 All disturbed areas shall be reinstated to original condition or better.

3.10 Temporary Construction Building

A building shall be permitted on the Lands for the purpose of housing equipment, materials and office related matters relating to the construction and sale of the development in accordance with this Agreement. The construction building shall be removed from the Lands prior to the issuance of the Occupancy Permit.

3.11 Screening

- 3.11.1 Refuse containers located outside the building shall be fully screened from adjacent properties and from streets by means of opaque fencing or masonry walls with suitable landscaping.

- 3.11.2 Propane tanks and electrical transformers shall be located on the Lands in such a way to ensure minimal visual impact from neighbouring properties and along Bedford Highway. These facilities shall be secured in accordance with the applicable approval agencies and screened by means of opaque fencing or masonry walls with suitable landscaping.

PART 4: STREETS AND MUNICIPAL SERVICES

4.1 General Provisions

- 4.1.1 All design and construction of primary and secondary service systems shall satisfy the most current edition of the Municipal Design Guidelines and Halifax Water Design and Construction Specifications unless otherwise provided for in this Agreement and shall receive written approval from the Development Engineer prior to undertaking the work.
- 4.1.2 The Developer shall demonstrate that adequate visibility is provided from the site driveway, as determined by the Development Engineering, including but not limited to the trimming of bushes.

4.2 Off-Site Disturbance

Any disturbance to existing off-site infrastructure resulting from the development, including but not limited to, streets, sidewalks, curbs and gutters, street trees, landscaped areas and utilities, shall be the responsibility of the Developer, and shall be reinstated, removed, replaced or relocated by the Developer as directed by the Development Officer, in consultation with the Development Engineer.

4.3 Solid Waste Facilities

- 4.3.1 The building shall include designated space for five stream (refuse, recycling and composting) source separation services consistent with the Solid Waste Resource Collection and Disposal By-law. This designated space for source separation services shall be shown on the building plans and approved by the Development Officer and Building Inspector in consultation with Solid Waste Resources.
- 4.3.2 Refuse containers and waste compactors shall be confined to the loading areas of the building, and shall be screened from public view where necessary by means of opaque fencing or masonry walls with suitable landscaping.
- 4.3.3 All refuse and recycling materials shall be contained within a building, or within suitable containers which are fully screened from view from any street or sidewalk. Further, consideration shall be given to locating of all refuse and recycling material to ensure minimal effect on abutting property owners by means of opaque fencing or masonry walls with suitable landscaping.

4.4 Active Transportation Linkage

- 4.4.1 Prior to the commencement of any site work on the Lands, the Developer shall provide a site grading plan prepared, stamped and certified by a Professional Engineer which demonstrates that the grading along the eastern portion of the property abutting the Bedford Highway is adequate, as determined by the Development Engineer of the Municipality, to support new infrastructure associated with future active transportation systems, such as but not limited to, the construction of a side walk.

PART 5: ENVIRONMENTAL PROTECTION MEASURES

5.1 Stormwater Management Plans and Erosion and Sedimentation Control Plans

Prior to the commencement of any site work on the Lands for construction of streets and services, including grade alteration or tree removal other than that required for preliminary survey purposes, or associated off-site works, the Developer shall:

- (a) Submit to the Development Officer a detailed Site Disturbance Plan, prepared, stamped and certified by a Professional Engineer indicating the sequence and phasing of construction and the areas to be disturbed or undisturbed;
- (b) Submit to the Development Officer a detailed Erosion and Sedimentation Control Plan prepared, stamped and certified by a Professional Engineer in accordance with the Erosion and Sedimentation Control Handbook for Construction Sites as prepared and revised from time to time by Nova Scotia Environment. Notwithstanding other Sections of this Agreement, no work is permitted on the Lands until the requirements of this clause have been met and implemented. The Erosion and Sedimentation Control Plan shall indicate the sequence of construction, all proposed detailed erosion and sedimentation control measures and interim stormwater management measures to be put in place prior to and during construction; and,
- (c) Submit to the Development Officer a detailed Site Grading Plan prepared, stamped and certified by a Professional Engineer, which shall include an appropriate stormwater management system. The Site Grading Plan shall identify structural and vegetative stormwater management measures, which may include infiltration, retention, and detention controls, wetlands, vegetative swales, filter strips, and buffers that will minimize adverse impacts on receiving watercourses during and after construction.

5.2 Stormwater Management System

The Developer agrees to construct at his own expense the Stormwater Management System pursuant to Subsection 5.1.1(c). The Developer shall provide certification from a Professional Engineer that the system, or any phase thereof, has been constructed in accordance with the approved design.

5.3 Failure to Conform to Plans

If the Developer fails at any time during any site work or construction to fully conform to the approved plans as required under this Agreement, the Municipality shall require that all site and construction works cease, except for works which may be approved by the Development Engineer to ensure compliance with the environmental protection measures.

PART 6: AMENDMENTS

6.1 Non-Substantive Amendments

The following items are considered by both parties to be not substantive and may be amended by resolution of Council.

- (a) Minor changes to the placement and architectural design of the building as outlined in Section 3.4 including changes in cladding material, which are beyond the authority of the Development Officer under section 3.1;
- (b) The granting of an extension to the date of commencement of construction as identified in Section 7.3 of this Agreement; and
- (c) The length of time for the completion of the development as identified in Section 7.5 of this Agreement.

6.2 Substantive Amendments

Amendments to any matters not identified under Section 6.1 shall be deemed substantive and may only be amended in accordance with the approval requirements of the *Halifax Regional Municipality Charter*.

PART 7: REGISTRATION, EFFECT OF CONVEYANCES AND DISCHARGE

7.1 Registration

A copy of this Agreement and every amendment or discharge of this Agreement shall be recorded at the Registry of Deeds or Land Registry Office at Halifax, Nova Scotia and the Developer shall incur all costs in recording such documents.

7.2 Subsequent Owners

- 7.2.1 This Agreement shall be binding upon the parties hereto, their heirs, successors, assigns, mortgagees, lessees and all subsequent owners, and shall run with the Lands which are the subject of this Agreement until this Agreement is discharged by Council.
- 7.2.2 Upon the transfer of title to any lot(s), the subsequent owner(s) thereof shall observe and perform the terms and conditions of this Agreement to the extent applicable to the lot(s).

7.3 Commencement of Development

- 7.3.1 In the event that development on the Lands has not commenced within three (3) years from the date of registration of this Agreement at the Registry of Deeds or Land Registry Office, as indicated herein, the Agreement shall have no further force or effect and henceforth the development of the Lands shall conform with the provisions of the Land Use By-law.
- 7.3.2 For the purpose of this section, commencement of development shall mean the issuance of a Construction Permit.
- 7.3.3 For the purpose of this section, Council may consider granting an extension of the commencement of development time period through a resolution under Section 6.1, if the Municipality receives a written request from the Developer at least sixty (60) calendar days prior to the expiry of the commencement of development time period.

7.4. Completion of Development

Upon the completion of the whole development or complete phases of the development, Council may review this Agreement, in whole or in part, and may:

- (a) retain the Agreement in its present form;
- (b) negotiate a new Agreement;
- (c) discharge this Agreement; or
- (d) for those portions of the development which are completed, discharge this Agreement and apply appropriate zoning pursuant to the Municipal Planning Strategy and Land Use By-law for Halifax Mainland, as may be amended from time to time.

7.5 Discharge of Agreement

If the Developer fails to complete the development after five (5) years from the date of registration of this Agreement at the Registry of Deeds or Land Registration Office Council may review this Agreement, in whole or in part, and may:

- (a) retain the Agreement in its present form;
- (b) negotiate a new Agreement; or
- (c) discharge this Agreement.

PART 8: ENFORCEMENT AND RIGHTS AND REMEDIES ON DEFAULT

8.1 Enforcement

The Developer agrees that any officer appointed by the Municipality to enforce this Agreement shall be granted access onto the Lands during all reasonable hours without obtaining consent of the Developer. The Developer further agrees that, upon receiving written notification from an

officer of the Municipality to inspect the interior of any building located on the Lands, the Developer agrees to allow for such an inspection during any reasonable hour within twenty four hours of receiving such a request.

8.2 Failure to Comply

If the Developer fails to observe or perform any condition of this Agreement after the Municipality has given the Developer fourteen (14) days written notice of the failure or default, then in each such case:

- (a) The Municipality shall be entitled to apply to any court of competent jurisdiction for injunctive relief including an order prohibiting the Developer from continuing such default and the Developer hereby submits to the jurisdiction of such Court and waives any defense based upon the allegation that damages would be an adequate remedy;
- (b) The Municipality may enter onto the Lands and perform any of the covenants contained in this Agreement or take such remedial action as is considered necessary to correct a breach of the Agreement, whereupon all reasonable expenses whether arising out of the entry onto the Lands or from the performance of the covenants or remedial action, shall be a first lien on the Lands and be shown on any tax certificate issued under the *Assessment Act*;
- (c) The Municipality may by resolution discharge this Agreement whereupon this Agreement shall have no further force or effect and henceforth the development of the Lands shall conform with the provisions of the Land Use By-law; or
- (d) In addition to the above remedies, the Municipality reserves the right to pursue any other remedy under the *Halifax Regional Municipality Charter* or Common Law in order to ensure compliance with this Agreement.

IN WITNESS WHEREAS the said parties to these presents have hereunto set their hands and affixed their seals the day and year first above written.

SIGNED, SEALED AND DELIVERED in
the presence of:

(Insert Registered Owner Name)

Witness

Per: _____

SIGNED, DELIVERED AND ATTESTED
to by the proper signing officers of Halifax
Regional Municipality, duly authorized in that
behalf, in the presence of:

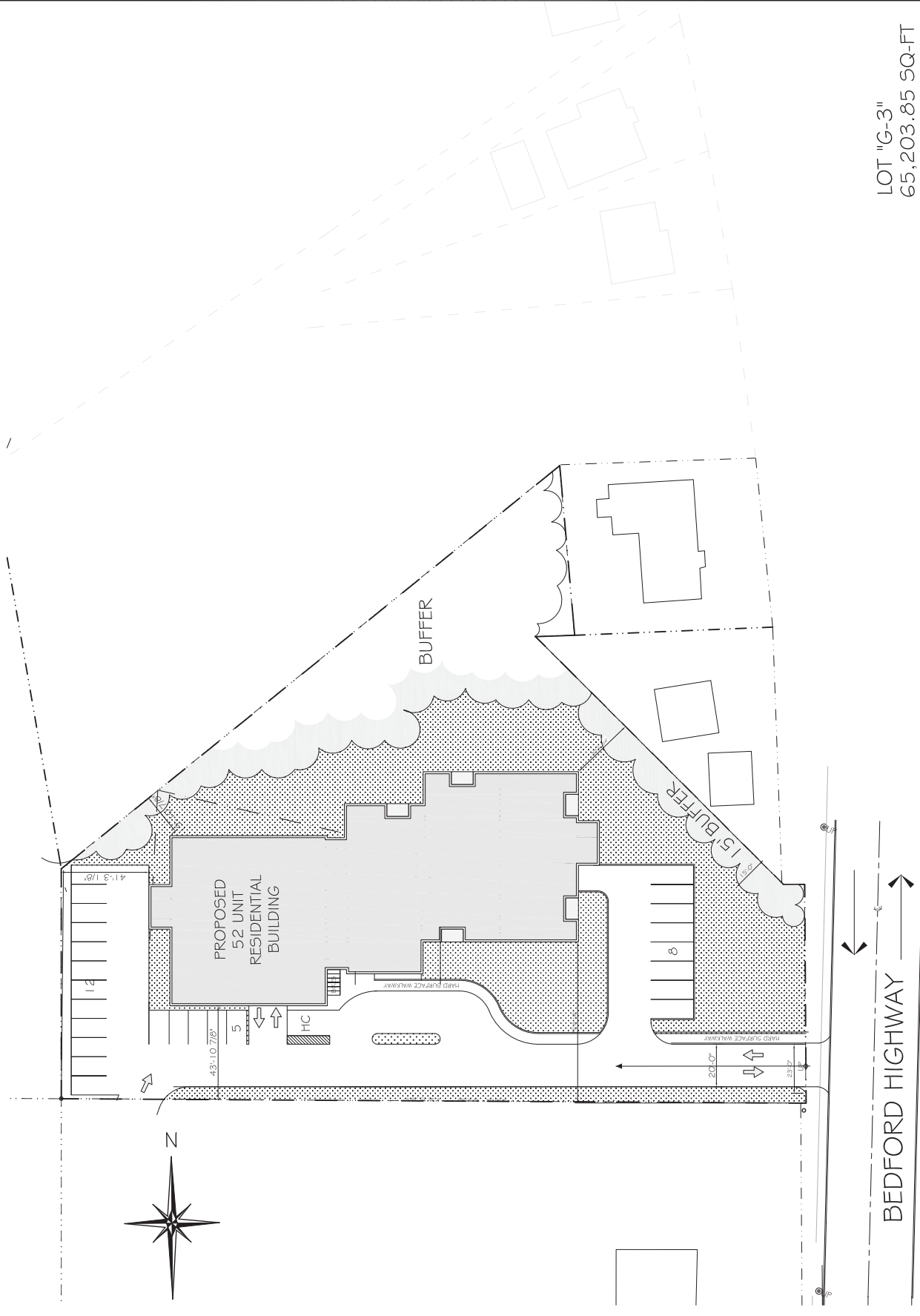
HALIFAX REGIONAL MUNICIPALITY

Witness

Per: _____
MAYOR

Witness

Per: _____
MUNICIPAL CLERK



NO.	DATE	REVISIONS
1	1/15/13	ISSUE FOR PERMIT
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LOT G3

BEDFORD HIGHWAY
NORTH, N.C.

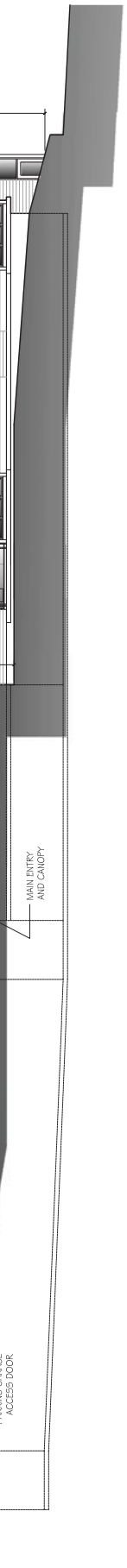
SITE PLAN

LOT "G-3"
65,203.85 SQ-FT

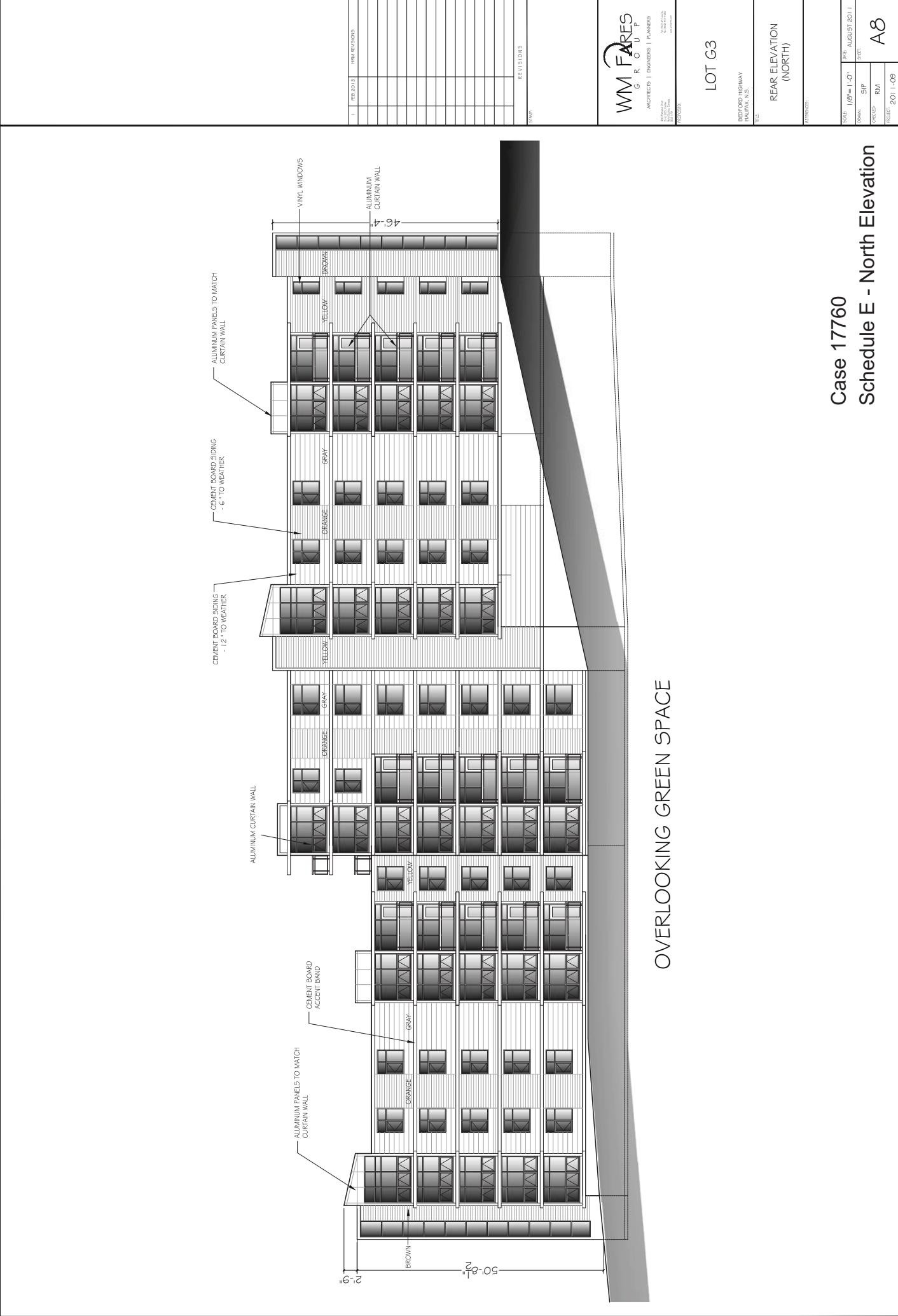
BEDFORD HIGHWAY

SCALE	1"=20'	DATE	JULY 2013
DRAWN	JG	SHEET	
CHECKED	RM		
PROJECT	2011-09		

SDP 1



Schedule D - South Elevation



Case 17760
Schedule E - North Elevation

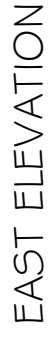
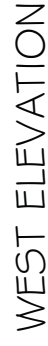
WM FARES
GROUP
ARCHITECTS | ENGINEERS | PLANNERS
10000 W. 10th Ave., Suite 100
Denver, CO 80202
303.440.1000
www.wmfares.com

LOT G3
BEDFORD HIGHWAY
HAUPPAUG, N.Y.

REAR ELEVATION
(NORTH)

REVISIONS

DATE	1/28/2011	DATE	AUGUST 2011
DRAWN	SJP	CHECKED	RM
PROJECT	2011-09		



WM FARES GROUP
ARCHITECTS | ENGINEERS | PLANNERS

LOT G3

BEDFORD HIGHWAY
HAULFAX, N.S.

SIDE ELEVATIONS
(EAST & WEST)

SCALE:	1/8" = 1'-0"	DATE:	AUGUST 2011
DRAWN:	SIP	SHEET:	A9
CHECKED:	RM		
PROJECT:	2011-09		

Case 17760: Attachment B
Review of Relevant Policies of the Halifax MPS

Policy Criteria	Staff Comment
<i>1.8.1 In considering land use by-law amendments to allow inclusion of a specific property within Schedule “R”, the lands must be within the Bedford Highway Secondary Plan area, designated Highway Commercial, zoned C-2B (Highway Commercial Zone) and be immediately adjacent to lands currently identified in the land use by-law as Schedule “R”. (RC-Jan 11/11;E-Mar 12/11)</i>	The subject property is currently located in Schedule “R” and is within the Bedford Highway Secondary Plan, is designated Highway Commercial and is zoned C2-B (Highway Commercial Zone).
<i>1.8.2 In considering development agreements pursuant to Policy 1.8, Council shall consider the following:</i>	
<i>(a) the relationship of new development to adjacent properties and uses; and, the mitigation of impacts on the amenity, convenience and development potential of adjacent properties through effective urban design and landscape treatment;</i>	<p>The subject property is adjacent to low density residential uses, high density residential uses and a motel.</p> <p>The property is quite steep. The proposed terrace design of the building fits well with topography of the property and it will also mitigate potential impact with the neighbouring low density residential uses.</p> <p>A treed and landscaped buffer is also provided along the property line with lower density residential development.</p>
<i>(b) direct access to and sufficient frontage on Bedford Highway;</i>	The property has direct access to Bedford Highway and has sufficient frontage.
<i>(c) the architectural design of the building(s) including high quality building materials, articulation of and variation to the building(s) facades; and fine-grained architectural detailing;</i>	<p>The primary building material cement board siding. The material is broken up through the use of aluminum/glass curtain walls.</p> <p>Balconies are to be constructed with tempered glass.</p> <p>The use of different colour helps to further break up the design of the building.</p>
<i>(d) the scale of the building(s) having regard for the retention of views of the Bedford Basin from public spaces including streets, and active transportation corridors;</i>	Although the building height in total is 7 storeys, the building is terraced into 5 storeys components. The terraced design minimizes the impact of the building on abutting properties.

Policy Criteria	Staff Comment
<i>(e) safe vehicular and pedestrian access to the site and building(s);</i>	<p>The bushes along the western access to the property are to be trimmed to increase visibility. The grading along the frontage of the property is also to be altered to accommodate a sidewalk. The change in grading will further increase visibility when accessing and egressing the property from Bedford Highway.</p> <p>Further, the development agreement requires a pedestrian walkway along the driveway from Bedford Highway to the building.</p>
<i>(f) the adequacy of vehicle and bicycle parking facilities;</i>	<p>The development agreement requires 70 parking spaces which is considered adequate for the development.</p> <p>Bicycle parking is provided through a bicycle rack near the entrance of the building. Storage space is included in the parking areas which could be further used for bicycle parking.</p> <p>Further, the development must include the minimum amount of bicycle parking spaces as required in the Land Use By-law.</p>
<i>(g) the location of the majority of the vehicular parking below or to the side or rear of the building(s) with a minimal amount of parking accommodated in the front of the building(s) only where appropriate landscape measures along the street edge are provided;</i>	<p>52 parking spaces are located underground; 17 parking spaces are located in the rear and side yards; and, 8 parking spaces are located in the front yard.</p> <p>The preliminary landscaping plan requires trees in the front yard to buffer the parking area.</p>
<i>(h) the provision of both interior and exterior amenity areas and open space of a high quality, of a size and type adequate for the active and passive use of the residents;</i>	The development agreement allows for indoor and outdoor amenity space. Outdoor amenity space is provided through private balconies, a common roof top terrace, and surface landscaped areas.
<i>(i) the adequacy of the servicing capacity of the site;</i>	The application has been reviewed by Halifax Water. There were no concerns regarding the adequacy of the servicing capacity of the site. The applicant is to provide a sewage flow generation analysis at the development permit stage.
<i>(j) the provision of appropriate buffering and landscape treatment;</i>	There is an existing tree buffer which borders the majority of the development from the neighbouring properties to the south. The

Policy Criteria	Staff Comment
	<p>majority of the tree buffer will be retained.</p> <p>Landscaping will further be provided along the other property lines to provide appropriate buffering.</p>
<i>(k) the potential impact of shadowing on surrounding residential buildings beyond what currently exists;</i>	<p>Due to the terraced design of the building and the larger tree buffer separating the proposed building from existing residential properties to the north is to be largely retained, staff do not anticipate any significant impact of shadow on surrounding residential properties, greater than what currently exists.</p>
<i>(l) demonstrated incorporation of Crime Prevention Through Environmental Design (CPTED) principles in the site and building design; and</i>	<p>The proposed development was reviewed the Community Response Team of the Halifax Regional Police in relation to CPTED principles. Based on their comments the natural surveillance of the site is considered adequate.</p> <p>Further, the proposed development agreement requires an outdoor lighting plan to be submitted prior to the issuance of a development permit. The developer is to provide verification that the lighting plan complies with the principles of CPTED.</p>
<i>(m) the provision of active transportation linkages, where needed. (RC-Jan 11/11;E-Mar 12/11)</i>	<p>The proposed development agreement includes provisions for developing a multi-use trail where an informal walking trail is currently located and requires that the developer ensure that the grading of the property along Bedford Highway is able to support a sidewalk.</p> <p>The development agreement also requires that a pedestrian walkway be provided along the driveway to provide connectivity from Bedford Highway to the building.</p>

**Case 17760: Attachment C
Minutes of Public Information Meeting**

**HALIFAX REGIONAL MUNICIPALITY
PUBLIC INFORMATION MEETING
CASE NO. 17760: 52 UNIT RESIDENTIAL BUILDING AT 644 BEDORD HIGHWAY**

**7:00 p.m.
Wednesday, June 6, 2012
Ecole Secondaire Du Summet,
500 Larry Uteck Boulevard, Halifax**

**STAFF IN
ATTENDANCE:**

Jillian MacLellan, Planner, Planning Applications
Hilary Campbell, Planning Technician
Jennifer Purdy, Planning Controller

**ALSO IN
ATTENDANCE:**

Cesar Selah, WM Fares Group
Councillor Debbie Hum, District 16

**PUBLIC IN
ATTENDANCE:**

39

The meeting commenced at approximately 7:04p.m.

Opening remarks/Introductions/Purpose of meeting

Ms. Jillian MacLellan, Planner, Planning Applications, called the meeting to order at approximately 7:04p.m. at Ecole Secondaire Du Summet, 500 Larry Uteck Boulevard, Halifax. She introduced herself as the planner guiding this application through the process, and also introduced Councillor Debbie Hum, Hilary Campbell, Planning Technician, HRM Planning Services and Jennifer Purdy, Planning Controller, HRM Planning Services.

Ms. MacLellan explained that HRM has received a request to develop a 52 unit residential building by development agreement.

Ms. MacLellan reviewed the application process, noting that the public information meeting is an initial step, whereby HRM reviews and identifies the scope of the application and seeks input from the neighborhood. The application will then be brought forward to Bedford Community Council which will hold a public hearing at a later date, prior to making a decision on the proposed development. There will be a two week appeal period following that decision.

Presentation on Application

Ms. MacLellan reviewed a slide of the location explaining that the applicant on behalf of the property owner is proposing a 52 unit residential building. This proposal needs to go through a development agreement because it exceeds the height of 35 feet. She reviewed the surrounding property uses, explaining that they are mainly high density residential including a couple of schools. She explained that the property is zoned C-2B (highway commercial) under the Halifax Mainland Planning Area. She reviewed slides of the site plan and its elevation from all sides of the building. She explained that in total the building will be approximately 7 storeys, however, is broken up into 5 storey segments to deal with the terrain of the property.

At this time a gentleman explained that it has to be orientated with the other surrounding buildings.

Ms. MacLellan continued, explaining that staff and Council must consider the relationship to existing development; building design (Architecture/Scale); safe access; parking; amenity space and landscaping.

Cesar Selah, WM Fares Group, reviewed some slides of past projects he and his firm has worked on including some commercial developments.

He at this time reviewed a couple slides of the site plan explaining that the lot area is 1.5 acres, building coverage is 14,832 sq.ft (23%) and the green open space is 31,197 sq.ft (48%). There will be 52, 2 bedroom units + den, starting at 1200 sqft. There are a total of 5 floors and there will be 78 parking spaces available, 52 of them being underground and 26 on the surface with bicycle parking. There is a non-disturbance buffer as well as a landscaping buffer. He showed slides of the exterior view of the building explaining that they will be using cement siding and will be high quality and design. He added that there will be balconies. He reviewed slides showing elevations from all different sides. The lower parking area will be accessed from the Bedford Highway, level one will contain 6 units with recessed balconies; level two will be the main entrance and office, access to the elevator and stairs will be from this floor. Level 3-5 will each have ten 2 bedroom plus den units; level 6 will have 6 units; level 7 will have 5 units with an outdoor amenity area of 1210 sq.ft.

Questions and Answers

Mr. David Livingstone, Bedford, asked how many feet maximum is the building going to be over the Bedford Highway.

Mr. Saleh explained that he doesn't have that measurement with him at this meeting. However, he can provide him with this information at a later date.

Mr. Livingstone expressed concern with the developer not knowing how high the highest point of the building is going to be.

Mr. Saleh explained that the building is five storeys in height (60 feet) at any point from the grade up to the highest point.

Ms. MacLellan explained that staff reviews the height from the grade. She thanked Mr. Livingstone for his comments and explained that Mr. Saleh will provide him with the details following this meeting.

Mr. Livingstone expressed concern with what this building is going to do to the view of the Bedford Basin. He explained that he has recently moved to the area and this causes him great concern because he and others in the area have already invested in their properties. There is no shortage of apartments or condominiums in the Larry Uteck area and therefore, is no need for any additional buildings in this area. He added concern with traffic concerns that currently exist and the additional traffic this will cause is approved.

Mr. Keith Sherwood, Bedford expressed concern with this development blocking his view. He addressed privacy issues and asked if this development will be positioned so that he will be looking into someone's kitchen or vice versa.

Mr. Saleh answered no and explained that there is a considerable elevation difference between this building the building above. He added that there is also a heavy vegetation buffer between the two sites, as well as there is at least 150 feet in distance between the corner of the proposed building and the current one.

Mr. Sherwood explained that there is an existing residential building above the hotel, which will be next to this proposed building. He asked if the highest point of the proposed building will be higher than the existing building.

Mr. Saleh explained that it will not be higher and will provide a cross section that shoes the height of the building in relationship to the building 37. He explained that parking lot of 94 Bedrose Lane is what is directly behind this building. He explained that this building is designed to be compatible with the surrounding buildings.

Mr. Sherwood asked if the proposed building will be higher than Building 37.

Mr. Saleh explained 'no'.

Ms. Leila Kovacevic, Bedford asked about the safety access on to Bedford Highway and asked how vehicles will make the left hand turn. She asked if there will be another traffic light put on the Bedford Highway.

Mr. Saleh explained that whenever an application is submitted to HRM, staff asks the applicant to submit certain criteria which includes a traffic study. He explained that they have hired a third party consultant who submits the report to them and also HRM. This report is available on-line. This report looks at stop site distance, safety approaching the site going in and out and the traffic volumes. This study has been deemed acceptable for this site.

Ms. Kovacevic explained that there have already been problems in this area. The more traffic that is created, the more dangerous the roads are. She asked if there was another access route available instead of using the Bedford Highway.

Mr. Saleh explained that the Bedford Road access is the only access that this development can have. He explained that staff can look into this concern further.

Ms. MacLellan explained that there is a traffic impact study that is required. This can be reviewed on line. She encouraged residents to contact her regarding any further concerns and she would look into it.

Mr. Song, Bedford explained that he does not see any special reason why this building should be paid special consideration waiving the height limit.

Ms. MacLellan explained that this proposal has to go through a planning application, however, there is policy in place that allows staff and Council to consider this.

Ms. Davena Davis, Halifax explained that there is an old trail that runs along side of the garage. This is the beginning of a trail called 'The Old Coach Road'; it hasn't been developed through there and runs behind Furlake Park to South Gate.

Ms. MacLellan thanked Ms. Davis for the information and explained that the policy asks staff to look at active transportation.

Ms. Maureen Palmeter, Bedford explained that the traffic study is posted on-line and also has an amendment to it. The original study explained that it could have access to the site from both the Bedford Highway and from Larry Uteck. She asks about the site line and asked about the steepness of the driveway. She expressed concern with the cars lining up in front of the two driveways coming in and out of the hotel and asked about those who will be riding their bikes within the bike lane. She explained that this lane is used by both bikes and pedestrians young and old and doesn't feel that the proper site lines or consideration has been given to this. She expressed concern how the street frontage is included within the lot area of 1.5 acres and asked how the developers can use the street frontage to get the 1.5 acres but, the green space is only based on the smaller number. She also explained that the trail is known as the 'Kings Highway' and is Crown land, this is a public road.

Ms. MacLellan explained that there was a pre-application on this property and at that point it was thought that there could be second access however, it is no longer an option. Therefore, the only access will be from the Bedford Highway. She explained that she will speak with the Development Engineer regarding the steepness and the bike lane.

She added that concerning the density and the ability to use a portion of the road, this is a section from the By-Law so, for any multiple unit dwelling within the Halifax Plan, developer can use a portion of the street frontage to add to the density capability. They will not be assessed on this.

Ms. Palmeter explained that a note of this decision should be added to the on-line study.

Mr. Saleh explained that they will look into the trail system and will propose new landscaping. He explained that the driveway that is currently there will still exist and that is why it is shown on the plan. This is a shared access.

Mr. Patrick Bannon, Halifax, explained that there is a lot of concrete that has been poured over the past 2.5 years and explained that they have seen the scenery of Larry Uteck change a lot. He asked if it is really necessary to have another concrete block in this area.

Bob ..., Bedford, explained that he appreciates the assurances that this building will not exceed 37ft. He asked how much lower this development will be. He wants to make sure that the public was assured that this building will be no higher than building 37.

Mr. Saleh explained that the narrow side of the building is facing above. He assured that they have positioned the building in the most optimal place; not directly in any view.

Bob ... asked how much of this building will be blocking the view of those who have paid a lot of money. He explained that for any future presentations, this is what is important to show.

Mr. Saleh explained that he will have a cross section available at the next meeting and how it is in relationship to the buildings already in place.

Ms. Yvette d'Entremont, Bedford, explained that if the building was built the height that is already allowed, how many units the applicant would lose in the new proposal.

Mr. Saleh explained that they probably wouldn't lose any because the building covers 22%, so the building can be made wider and shorter however, this wouldn't be nice to look at.

Ms. MacLellan explained that this question can not be properly answered because the design could change and would depend on how the design would look.

Ms. Louise Sherwood, Bedford, explained that she has difficulty understanding how high is this building and how high over 35 feet is this building. She explained that 60 feet is almost twice as high as what is allowed; she is very displeased with this. She is not against development, however, if one aspect of a community is disrupted by another environmental man-made agent such as this building, why are the developers allowed to make an application and why are they considered.

She also added that the colors on the exterior of the building are appalling and does not blend in with anything.

Mr. Saleh explained that they feel that they are putting in a good quality building. If the height of the building is not as high, the footprint of the building would be bigger to try to get more units within the 35ft height limit. The coverage will be bigger and from an environmental point of view, this means that more trees will be cut down. He explained that there is an advantage of going through a development agreement process because anything proposed will be agreed upon by HRM. Also, the developer has to follow through with everything that is proposed within the agreement.

Mr. Huggins explained that the majority of the people at this meeting would prefer a lower and wider development than this proposed narrow and higher building.

Mr. Saleh explained that this is not the option they want to do.

Mr. Livingston explained that he doesn't understand that how every time 35 feet isn't high enough, HRM changes the rules to allow for higher buildings. He explained that most people do not want this building and it is going to cause traffic problems. He added that there is no shortage of apartment buildings or condominiums in this area and asked which it was going to be.

Mr. Saleh explained that they weren't sure yet.

Ms. MacLellan explained that staff looks at the number of units and use, not whether it is condos or apartments.

Mr. Livingston added concern with even though staff is aware that the residents are not in favor of this application, are still willing to submit the plan to Community Council. There are concerns with traffic and views and asked why this proposal is being entertained.

Ms. MacLellan explained that staff is able to entertain this application based on policy that already exists that allows them to look at either commercial or residential buildings that are above 35 feet through a development agreement.

Mr. Livingston asked who sits on Chebucto Community Council.

Ms. MacLellan explained that the Councillors that make up Chebucto Community Council are: Councillor Stephen D Adams, Councillor Debbie Hum, Councillor Linda Mosher, Councillor Russell Walker, and Councillor Mary Wile.

Mr. Livingston asked how many of them live in this area.

Councillor Hum explained that she and staff are here to listen to the public's concerns and comments, however, his comments are getting to the point where he is questioning the integrity of staff. She explained that there are no laws being broken and that any property owner can make application to HRM to change the existing land use by-laws and municipal planning strategies are on any property. Based on the feedback and the land use by-laws, traffic impact as well as many other factors is what how staff and council makes their decision. Once an application is made, it has to go through the process.

Mr. Livingston explained that he is not questioning the integrity of staff.

A gentleman explained that he does not live in the area, he is an engineering graduate and his purpose in attending this meeting was to learn more about the construction building works and how feedback is received from the public. He asked how will the property values get affected if this building is approved.

Ms. MacLellan explained that property values are outside the scope of what staff looks at when preparing the report. Whether it is positive or negative impacts, it varies case to case, however, we cannot address this.

Ms. Donna Clarke, Bedford, explained that she is concerned with the elevation and height of this proposed building. She is also concern with this blocking the views to those who already live in the area

and the impact that this may have on her property value is concerning as well as her enjoyment and appreciation of her property. She asked about the visitor parking and explained that Bedford highway is not an area for street parking. She also asked why as of January 2011, the 35 ft limit was put into the agreement.

Ms. MacLellan explained that the application includes some visitor parking however, may need to look at what is proposed to determine if more is needed. She explained that before January 2011, the height limit was 50 feet. Bringing this height limit down to 35 feet allows staff more control over the design and ensure that developers who are developing multi-unit building to put more thought into the design.

Ms. Clarke addressed concern regarding traffic and explained that it is next to impossible to get onto Larry Uteck.

Mr. Saleh explained that there will be 1.5 parking per unit. There is more room to have additional parking, however, it is a judgement call on how much asphalt is wanted vs. green space. Each unit has one parking space; there are 26 additional parking spots.

Closing Comments

Ms. MacLellan thanked everyone for attending. She encouraged anyone with further questions or comments to contact her.

Adjournment

The meeting adjourned at approximately 8:27 p.m.